

Entered -12-12-00 - sb
CL 00L0746 - GWENDOLYN BURNS

01- *R*0013

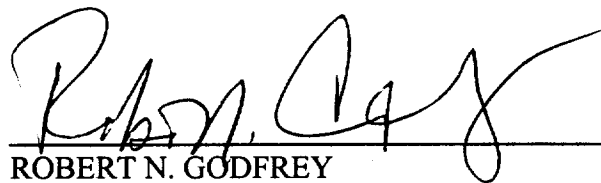
CLAIM OF:

TABITHA DORNAL
through her attorney,
Mickiel D. Pete, Esq.
THE PETE FIRM
The Candler Building
127 Peachtree Street, NE
Suite 800
Atlanta, Georgia 30303

For damages alleged to have been sustained when police
conducted an unlawful search in an apartment on September 19,
2000 at 3423 Maynard Court, #264.

THIS ADVERSED REPORT IS
APPROVED

BY:

A handwritten signature in black ink, appearing to read "Robert N. Godfrey", is written over a horizontal line.

ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0746

Date: December 27, 2000

Claimant /Victim TABITHA DORNAL
BY: (Atty) (Ins. Co.) Michiel D. Pete, Esq., THE PETE FIRM
Address: The Candler Building, 127 Peachtree Street, NE, Suite 800, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$ unspecified
Date of Notice: 12/8/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 9/19/00 Place: 3423 Maynard Court, #264
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages when her apartment was wrongfully searched and personal property was damaged by City police during their attempt to carry out a search warrant. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

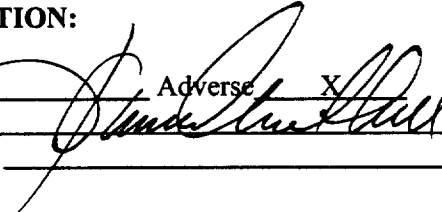
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 12-28-00
Committee Action: Council Action

BURNS
12/11/00
Ph

THE PETE FIRM

Mickie D. Pete, Esq.
Atlanta Georgia
Anthony T. Pete, Esq.
Athens Georgia

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Atlanta, Georgia 30303
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(888) 353-PETE

Facsimile:
(404) 653-0560

December 7, 2000

ATLANTA POLICE DEPARTMENT
POLICE CHIEF BEVERLY HARVARD
City Hall East
675 Ponce De Leon Ave.
Atlanta GA 30308

ENTERED - 12-12-00 - SB
00L0746 - GWEN BURNS



RE: Client
Date of Incident
Claim

Ms. Tabitha Dornal
September 19, 2000
Violation of her Civil Rights
Property Damage
Tortuous Misconduct
Negligent Misconduct

Dear Police Chief Harvard:

Our Firm represents Ms. Dornal in her action against the City Police Department. This will serve as ante litem notice of the above claims. It is our hope that we can resolve this matter amicably. In the spirit of good faith, we offer to settle her claim for the sum of \$50,000.00.

Facts: A search warrant was issued for one "TWON" for Possession of Cocaine With the Intent to Distribute. See attachment. Such search warrant was carried out but on the wrong apartment. Police officers negligently broke down, ransacked and plundered Ms. Dornal's apartment. Even though neighbors were outside telling the police where the real dope dealer was. After the siege by the police, your police officers left the door open, which served as an open invitation for even so called "honest thieves" to take what they pleased. Needless to say when Ms. Dornal returned home, she found that most of her possessions were either missing or broken. She went into a state of panic, and from that day on suffers from severe mental depression. Some of the items taken from her home had sentimental value, and could never be replaced. The other items destroyed came up to about \$5,000.00 in personal loss.

Ms. Dornal is a hardworking woman, who bares the brunt of supporting her family by herself. The negligence of your police officers has made her life that much unbearable and harder to get through. She is in constant fear of another break-in, and had to move from her old place of abode to keep her sanity. Relocation costs \$5,000.00

We hope we can come to a mutually agreeable resolution of this case. We request the policy limits of any and all insurance policies the City of Atlanta is insured by.

Sincerely,


Mickel Dewayne Pete

CC: Client

01- R-0013